

APPEAL NO. 021175
FILED JUNE 17, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on February 21, 2002, and concluded on April 18, 2002. The hearing officer determined that the appellant (claimant) had not sustained a repetitive trauma injury on either _____, or _____, and that she did not have disability.

The claimant appealed, contending that she had sustained a repetitive trauma injury as supported by her doctors who had taken her off work. The respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

The claimant was employed as a customer service representative taking incoming calls and keyboarding data on a computer. There was considerable testimony regarding the number of calls the claimant took and the number of keystrokes the claimant made as set out in the hearing officer's Statement of the Evidence.

The claimant had the burden to prove that she sustained a repetitive trauma injury as defined by Section 401.011(36). The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. Although there is conflicting evidence in this case, there is sufficient evidence to support the hearing officer's decision that the claimant had not sustained a repetitive trauma injury. The hearing officer's decision is supported by sufficient evidence and it is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **AMERICAN PROTECTION INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Roy L. Warren
Appeals Judge